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law governing
motor vehicles



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LAW OF NORTH CAROLINA

GOVERNING

MOTOR VEHICLES

BEING

CHAPTER 55

CONSOLIDATED STATUTES

AS AMENDED



ISSUED BY
W. N. EVERETT, SECRETARY OF STATE
RALEIGH

AUGUST, 1923

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MOTOR VEHICLES

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Art. 1. General Provisions

2598. Terms defined. The term and words "motor vehicles" used in this chapter shall be construed to mean all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons, engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks. The term "owner" shall include any person, firm, association, or corporation owning a motor vehicle or renting a motor vehicle, or having the exclusive use thereof under a lease or otherwise. The term "public highway" or "highways" shall be construed to mean any public highway, township, county or

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State road, or any country road, any public street, alley, park, parkway, drive or public place in any city, village, or town. The term and words "business portion of any city or village" shall be construed to mean the territory of a city or incorporated village contiguous to a public highway which is at that point either wholly or partially built up with structures devoted to business.

1917, c. 140, s. 1.

2599. **Violation a misdemeanor.** Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and any person violating any provision of this chapter where serious damage is done, shall be guilty of a misdemeanor.

1917, c. 140, s. 21; 1921, c. 141.

2600. **Duty of officer; manner of enforcement.** For the purpose of enforcing the provisions of this chapter it is hereby made the duty of every police officer, every marshal, deputy marshal, or watchman of any incorporated city or village, and every sheriff, deputy sheriff, and all other lawful officers of any county, and every constable of any township, to arrest, within the limits of their jurisdiction, any person known personally to any such officer, or upon the sworn information of a credible witness, to have violated any of the provisions of this chapter, and to immediately bring such offender before any justice of the peace or officer having jurisdiction; and any such person so arrested shall have the right of immediate trial, and all other rights given to any person arrested for having committed a misdemeanor. Every officer herein named who shall neglect or refuse to carry out the duties imposed by this chapter shall be liable on his official bond for such neglect or refusal as provided by law in like cases.

1917, c. 140, s. 22.

2601. **No municipal ordinance in conflict.** No governing board of any city or town shall pass or have in effect or in force any ordinance contrary to the provisions of this chapter.

1917, c. 140, s. 23.

2602. **Application for registration.** Every owner of a motor vehicle which shall be operated or driven upon the public highways of this State either by himself, his chauffeur, or another by his authority, shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed in the office of the Secretary of State an application for registration on a blank to be furnished by the Secretary of State for that purpose, containing a brief description of the motor vehicle to be registered, including the name, maker's or manufacturer's serial number, style of machine, and horsepower, the name and address of the owner, and such other information as the Secretary of State may deem necessary.

1917, c. 140, s. 2.

2603. **Registered by Secretary of State.** Upon receipt of an application for registration of a motor vehicle as provided in this chapter, the Secretary of State shall file such application in his office and register such motor vehicle, with the name and residence of the owner, together with the facts stated in such application, in a book or index to be kept for that purpose, under the distinctive number assigned to such motor vehicle by the Secretary of State, which book or index shall be opened to inspection during reasonable business hours.

1917, c. 140, s. 3.

2604. Repealed.

1921, c. 209.

2605. **Number and certificate given, expiration of certificate.** Upon the filing of such application and the payment of fees provided in this chapter, the Secretary of State shall assign to such motor vehicle a distinctive number, and, without expense to the applicant, issue and deliver to the owner a certificate of registration in such form as the Secretary of State may determine, and shall also furnish to such applicant one display number as hereinafter provided for. All certificates of registra-

tion shall expire on June thirtieth, following the date of issue.

1917, c. 140, ss. 4, 5.

2606. **Dealers to report sales.** The Secretary of State shall require from each wholesale and retail dealer in automobiles in the State once each month a list of all retail sales, and it shall be the duty of each of the aforesaid dealers to furnish this information to the Secretary of State within the first ten days of each month of such sales made during the preceding month.

1917, c. 140, s. 5.

2607. **Cancellation and transfer of certificate.** Upon the sale of a motor vehicle registered under the provisions of this chapter, the registered owner shall within ten days from the date of such sale return to the Secretary of State his certificate of registration furnished him as hereinbefore provided for, which certificate of registration shall be canceled: Provided, that such registered owner may, at the time of returning such certificate, upon proper application for transfer filed in the office of the Secretary of State and the payment of a transfer fee of fifty cents, have a new certificate of registration issued to him, containing the original registration number, for a motor vehicle owned by him of not greater tax horsepower, such certificate to remain in force until June thirtieth following date of issue. In case the machine for which a transfer license is desired is of greater tax horsepower, the difference between the amount paid for the original license and the annual fee for the machine for which transfer license is desired shall be paid at the time such application for transfer is filed, but nothing herein contained shall be construed as authorizing the Secretary of State to make a rebate in case the transfer license is issued for a machine of less tax horsepower than the one originally registered. A license cannot be transferred from one person to another.

1917, c. 140, s. 8.

2608. **Display numbers required.** In addition to the certificate of registration, the Secretary of State shall furnish to each registered owner one

display number, which shall at all times be conspicuously displayed by such owner, on the rear of the registered motor vehicle for which the display number is issued. The display number shall be rigidly fastened in a horizontal position, and the lower edges thereof shall be at least fifteen inches from the ground, and during the times when a motor vehicle is required to display lights the registered number shall be so illuminated as to be legible at a distance of fifty feet. In case of the loss or destruction of a display number, the Secretary of State, upon proper proof thereof filed with him, and the payment of one dollar, shall secure for such owner a duplicate number, and the Secretary of State may in his discretion authorize the applicant for duplicate number to have prepared for use a temporary number until the duplicate can be made and furnished. It shall be deemed a violation of this chapter for any person to display a fictitious number or more than one display number on any motor vehicle operated on the highways of this State.

1917, c. 140, s. 9; 1919, c. 258.

2609. Nature of display numbers. The display number shall be made of suitable metal, in such size and form as the Secretary of State may prescribe, and shall be of a distinctive different color or shade each year.

1917, c. 140, s. 10.

2610. Repealed.

Ex. 1921, c. 97.

2611. Nonresident owners of vehicles. Nonresident owners or operators of motor vehicles shall be subject to the same requirements and laws as resident owners or operators: Provided, that the nonresident owner of a motor vehicle which is properly registered under the laws of another state, district, or territory shall be exempt from the registration provisions of this chapter for the same period that a properly registered owner of this State is exempt from the registration provisions of the state in which such nonresident resides, not exceeding sixty days: Provided, that nothing herein contained shall be construed to

exempt any motor vehicles used for hire by a non-resident.

1917, c. 140, s. 12.

Art. 3. License Fees

2612. Amount of license fees. That the fees for the registration and licensing of vehicles as herein required shall be according to the following schedules:

Rates for Automobiles

24 h.p. or less	$12.50 per year
Over 24 h.p., and not more than 30 h.p.	20.00 per year
More than 30 h.p., and less than 35 h.p.	30.00 per year
35 h.p. or more	40.00 per year

Motor vehicles used for the transportation of passengers for hire shall pay fifty per cent more than the above rates.

Horsepower shall be computed according to the N. A. C. C. formula of rating for all motor vehicles equipped with internal combustion engines. On motor vehicles operated by steam or electricity the horsepower rating shall be computed according to the rating by the manufacturer of such vehicle.

Rates for Motor Trucks

Trucks with carrying capacity less than 1,000 pounds	$ 12.50
1,000 pounds and under one ton	15.00
One ton and under two tons	25.00
Two tons and under three tons	75.00
Three tons and under four tons	200.00
Four tons and over	300.00

On all trailers, $15 per ton carrying capacity.

Motorcycles

$5 on each motorcycle, and $5 for each motorcycle side-car.

Dealers in Motor Vehicles

Registration fee and first five plates	$25.00
Each additional plate	1.00

The fiscal year for the collection of automobile licenses shall terminate June thirtieth. The fee for licenses issued after January first of each year and before June thirtieth, for the period ending June thirtieth, shall be one-half the annual fee.

The fiscal year for the payment of said license fees shall begin July first of each year.

1. The foregoing fees shall be paid to the Secretary of State at the time of issuance of said registration certificates, permits, or licenses. They shall include all costs of registration, issuance of permits, licenses, and certificates, and the furnishing of registration plates, and shall be in lieu of all other State or local taxes (except ad valorem), registration, or license fees, privilege taxes, or other charges: Provided, however, a county, city or town may charge a license or registration fee on motor vehicles in the sum of one dollar ($1) per annum: Provided further, that no county, city, or town shall charge or collect an additional fee for the privilege of operating a motor vehicle, either as chauffeur's or driver's license: Provided, nothing herein shall prevent the governing authorities of any city from regulating, licensing, controlling of chauffeurs and drivers of any such car or vehicle, and charging a reasonable fee: Provided further, that any city or town may charge a license not to exceed fifty dollars ($50) for any motor vehicle used in transporting persons or property for hire in lieu of all other charges, fees, and licenses now charged.

2. No motor truck with a carrying capacity of more than five and one-half tons nor any motor truck with steel tires shall be licensed or allowed to be used upon the State highway system.

3. All necessary expenses of collecting the said license or registration fees, including clerical assistance, the cost of purchasing number plates and mailing same, and for such blanks, books, and other supplies as cannot be furnished by the State printer, shall be paid for monthly from the revenue derived from said fees by warrant of the Auditor on the State Treasurer; and said expenses shall be approved by the Governor and Council of State, and shall not in the aggregate exceed ten per cent of the total amount collected by the Secretary of State under the provisions of this chapter.

4. Any person, firm, or corporation that shall operate any motor vehicle upon any highway of the State, without license, as is required under this act, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. No

motor or other vehicle or trailer which has a greater rated weight of both vehicle and load exceeding seven and one-half (7½) tons shall go over or be operated upon any State highway. Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor.

1917, c. 140, s. 6; 1921, c. 2; Ex. 1921, c. 97.

2613. Repealed.

ART. 4. OPERATION OF VEHICLES

2614. By incompetent person; racing. No person shall operate a motor vehicle upon the public highway of this State who is under the age of sixteen years and who is not competent physically and mentally, and no person shall operate a motor vehicle when intoxicated, or in a race, or on a bet or wager, or for the purpose of making a speed record: Provided, nothing herein contained shall prevent racing on private race courses or tracks. Any person who, being the owner, or in charge of any motor vehicle, authorizes or knowingly permits a person under the age of sixteen years to operate such motor vehicle along any public street or public highway in the State of North Carolina shall be guilty of a misdemeanor, and shall be punished by a fine not in excess of the sum of fifty dollars ($50.00). The term motor vehicle as used herein shall be construed to mean those vehicles it is construed to mean in section two thousand five hundred and ninety-eight of the Consolidated Statutes.

1917, c. 140, s. 13; 1923, c. 202.

2615. Brakes, horns, and lights required. Every motor vehicle operated or driven upon the public highways of this State shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times, when same is in use, and a suitable and adequate bell, horn, or other device for signaling, and shall during the period from one-half hour after sunset to one-half hour before sunrise display at least two lighted lamps on the front, and shall also display a red light visible from the rear, which may be in com-

bination with the light illuminating the display number on the rear, as heretofore provided in this chapter: Provided, that the lamps on such vehicle need not be lighted when the vehicle is standing under the rays of a light and can be plainly seen, and that one light displayed on the front of a motorcycle shall be deemed a compliance with this section. A motor vehicle of any kind operated on the public highways of the State shall not use any lighting device equipped with a reflector, unless the same shall be so designed, deflected, or arranged that no portion of the beam or reflected light, when measured seventy-five feet or more ahead of the lamps, shall rise above forty-two inches from the level surface on which the vehicle stands under all conditions of load.

1917, c. 140, ss. 14, 16; 1919, c. 292.

2616. **Driving regulations; frightened animals; crossings.** A person operating or driving a motor vehicle shall, on signal by raising the hand, from a person riding, leading, or driving a horse or horses or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or other animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or other animal: Provided, that in case such horse or other animal appears badly frightened, and the person operating such motor vehicle is so signaled to do, such person shall cause the motor of the motor vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others; and it shall also be the duty of any male chauffeur or driver of any motor vehicle and other male occupants thereof over the age of sixteen years while passing any horse, horses or other draft animals which appear frightened, upon the request of the person in charge thereof and driving such horse or horses or other draft animals, to give such assistance as would be reasonable to insure the safety of all persons concerned and to prevent accident. In approaching or passing a car of a street railway which has been stopped to allow passengers to

alight or embark, the operator of every motor vehicle shall slow down, and shall bring said vehicle to a full stop when going in the same direction as the street car. Upon approaching a pedestrian who is upon the traveled part of any highway, and not upon a sidewalk, and upon approaching an intersecting highway or a curve, or a corner in a highway where the operator's view is obstructed, every person operating a motor vehicle shall slow down and give a timely signal with his bell, horn, or other device for signaling. Upon approaching an intersecting highway, a bridge, dam, sharp curve, or deep descent, and also in traversing such intersecting highway, bridge, dam, curve, or descent, a person operating a motor vehicle shall have it under control and operate it at such speed, not to exceed ten miles an hour, having regard to the traffic then on such highway and the safety of the public. No person operating any motor vehicle upon a public road shall cross, or attempt to cross, any railroad or interurban track intersecting the road at grade other than a crossing at which there is a gate or a watchman (except an electric railway track in a city, town, or village) without first bringing said motor vehicle to a full stop at a distance not exceeding fifty (50) feet from the nearest rail. That no failure so to stop, however, shall be considered contributory negligence per se in any action against the railroad or interurban company for injury to person or property; but the facts relating to such failure to stop may be considered with the other facts in the case in determining whether the plaintiff was guilty of contributory negligence. Every railroad or interurban company operating or leasing any track intersecting a public road at grade shall place a sign-board not less than ten feet from the ground, on the right side of the road, forty inches by fifty inches, one hundred feet from said crossing, which shall be painted with red lettering, to insure warning of the proximity of the crossing and notice to stop said motor vehicle, with the following: "N. C. Law. Stop!": Provided, this act shall not interfere with the regulations prescribed by towns and cities. Any person violating

the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars, or imprisoned not more than ten days, or both, in the discretion of the court.

1917, c. 140, s. 15; 1923, c. 255.

2617. **Rule of the road in passing.** Whenever a person operating a motor vehicle shall meet on the public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicle, the person so operating such motor vehicle and the person so riding or driving a horse, horses, or other draft animals, shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any person so operating a motor vehicle shall, on overtaking any such horse, draft animal, or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal, or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any person so operating a motor vehicle shall, at the intersection of a public highway, keep to the right of the intersection of the center of such highway when turning to the right and pass to the right of such intersection when turning to the left, and shall signal with the outstretched hand the direction in which turn is to be made.

1917, c. 140, s. 16.

2618. **Speed regulations; mufflers.** No person shall operate a motor vehicle upon the public highway of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic, and use of the highway, or so as to endanger the property or the life or limb of any person: Provided, that a rate of speed in excess of twenty miles per hour in the residence portion of any city, town or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of thirty miles per hour on any public highway outside of the corporate limits of any incorporated city or town, shall be deemed a violation of this section: Provided further, that no person shall operate upon the public highways inside the corporate limits of

any incorporated city or town of this State a motor vehicle with muffler cut-out open.

1917, c. 140, s. 17.

2619. **Obstructions in road.** No person shall throw, place or deposit any glass or other sharp or cutting substance or any injurious obstruction in or upon any of the public highways of this State.

1917, c. 140, s. 18.

2620. **Stopping motors; standing near fire plug.** No person shall permit the motor of a motor vehicle to remain running when such motor vehicle is unoccupied on the public highway of this State for a longer period than five minutes: Provided, that no motor vehicle shall be left standing within fifteen feet of a fire plug upon the public highway of this State unless in charge of a person who can immediately move such vehicle in case of necessity.

1917, c. 140, s. 19.

2621. **Use of vehicle without owner's consent.** No person shall use or operate any motor vehicle owned by another without the knowledge or consent, expressed or implied, of such owner, on any public highway or elsewhere in this State: Provided, this section shall not be construed to repeal or in any way affect any law making the unlawful taking of such vehicle for temporary use a criminal offense.

1917, c. 140, s. 20.

4292. **Fraudulent removal of manufacturer's serial number from automobile.** Every person within this State is hereby prohibited from knowingly buying, selling, receiving, disposing of or concealing any automobile, motor car, or motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, for the purpose of concealing or misrepresenting the identity of said automobile, motor car, or motor vehicle. Any person violating the provisions of this section, and any person who shall knowingly buy, sell, receive, dispose of, or conceal any automobile, motor car, or motor vehicle from which the manufacturer's serial number or

any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, for the purpose of concealment or misrepresenting the identity of said automobile, motor car, or motor vehicle, shall be guilty of a misdemeanor. This section shall not apply to automobiles in the possession of innocent purchasers who acquired title or possession prior to March fourth, one thousand nine hundred and nineteen.

1919, c. 110.

4506. Operating automobile while intoxicated. Any person who shall, while intoxicated or under the influence of intoxicating liquors or bitters, morphine or other opiates, operate an automobile upon the public highways of any county or the streets of any city or town in this State shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days, or both, at the discretion of the court.

1919, c. 234.

[Chapter 97, Public Laws, Extra Session 1921]

An Act for the Better Enforcement of the Automobile Laws.

Section 1. That the Secretary of State be and he is hereby authorized to appoint, in his discretion, one or more discreet persons who shall be known as "Automobile Inspectors," and who, when commissioned and qualified as hereinafter provided, shall have the same police power in cases of the violations of the automobile laws as are now conferred on sheriffs, police, marshals, and other officers under chapter 55 of the Consolidated Statutes, and such powers shall run in all counties within the State.

Sec. 2. Each inspector, before assuming his duties, shall be commissioned by the Governor and shall qualify before the clerk of the superior court of his county by taking the oath prescribed by law for justices of the peace.

Sec. 3. Such inspectors may serve without compensation, or may receive such compensation as the Secretary of State may deem necessary, to be paid from the automobile fund provided for under chapter 2, Public Laws of 1921, by warrant of the Auditor on the Treasurer: Provided, said compensation shall be approved by the Governor and Council of State.

Sec. 4. That it shall be the duty of all sheriffs police officers, deputy sheriffs, deputy police officers, and all other officers within the State to cooperate with and render all assistance in their power to the inspectors herein provided for, and nothing in this act shall be construed as relieving said sheriffs, police officers, deputy sheriffs, deputy police officers, and other officers of the duties imposed on them by chapter 55 of the Consolidated Statutes.

Sec. 5. All display numbers issued by the Secretary of State under chapter 55 of the Consolidated Statutes and amendments thereto shall be and remain the property of the State, and it shall be lawful for the Secretary of State or his agent to summarily take possession of any number which he has reason to believe is being illegally used, and to keep in his possession such number pending investigation and legal disposition of the same.

Sec. 6. Any person who shall apply for the registration of a motor vehicle to the Secretary of State, and who shall willfully give or cause to be given a worthless check in payment therefor, or a fictitious, incomplete, or assumed name on the application for registration, or shall make any statement in connection with the application for registration with the intent to defraud the State or who shall knowingly give a wrong postoffice address or any other information for the purpose of willfully hindering identification, or who shall knowingly use or allow to be used unlawfully any license number plate issued by the Secretary of State, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 7. It shall be the duty of each and every registered owner of a motor vehicle to keep the display number plate assigned to such motor vehicle reasonably clean and free from dust and dirt, and such registered owner, or any person in his employ, or who operates such motor vehicle by his authority, shall, upon the request of any proper officer immediately clean such display plate so that the numbers thereon may be readily distinguished, and any person who shall neglect or refuse to so clean a display number plate, after having been requested to do so, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Sec. 8. Any person who shall willfully and with intent to defraud the State of registration fees due, operate a motor vehicle with a display number plate which has been repainted, or altered, or forged, or which was issued by the Secretary of State for a motor vehicle other than the one on which used, shall be guilty of a misdemeanor.

Sec. 9. Any operator of a motor vehicle who shall willfully and with intent to conceal the identity of such motor vehicle, or the identity of the registered owner thereof, mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire-rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a display number plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such display number plate for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a misdemeanor.

Sec. 10. Any registered owner of a motor vehicle who shall knowingly allow or permit the use of a display number plate issued to him to be taken from the motor vehicle for which it was

issued and used on another motor vehicle by another person, shall be guilty of a misdemeanor.

Sec. 11. That section 2610 of the Consolidated Statutes, relating to the registration and licensing of dealers, be and the same is hereby repealed, and the following inserted in lieu thereof:

"2610. **Special numbers to dealers.** Every person, firm, association, or corporation manufacturing or dealing in motor vehicles may, instead of registering such motor vehicles so manufactured or dealt in, make application upon a blank to be furnished by the Secretary of State for a general distinctive number for all motor vehicles owned or controlled for purposes of sale by such manufacturer or dealer, such application to contain such information as to name, style, and class of cars manufactured or dealt in by such person, firm, association, or corporation as the Secretary of State may require; and upon the payment of the registration fee hereinafter provided for, such person, firm, association, or corporation shall be assigned a distinctive number, together with a certificate of registration, made in such form and containing such information as the Secretary of State shall determine; and every motor vehicle owned or controlled by such manufacturer or dealer, except as hereinafter provided, shall be regarded as registered under and having assigned to it such general distinguishing number until sold or otherwise disposed of. No manufacturer or dealer shall operate any motor vehicle so registered for any other purpose than the trial or adjustment of such motor vehicle, or for its demonstration to a prospective buyer, or for some purpose incidental to the legitimate business of manufacturing, purchasing, exhibiting, selling, or repairing motor vehicles by such manufacturer or dealer. No motor vehicle registered under the provisions of this section shall be rented for hire or used for the purpose of conveying passengers or freight for hire. No person other than a bona fide manufacturer or dealer shall obtain or use a registration certificate or the corresponding number plate issued by authority of the provisions of this section; and no person who shall have registered a motor vehicle under the pro-

isions of this section shall loan his number plate
) any person. No registration of any manufac-
urer or dealer shall be transferable. The Secre-
ary of State may at any time require that a manu-
acturer or dealer in motor vehicles shall prove that
e is a bona fide manufacturer or dealer, and fail-
re to so prove shall be sufficient cause for the
ancellation of the registration of such manufac-
urer or dealer, and the Secretary of State shall
ake possession of and cancel the display numbers
ssued. No manufacturer or dealer, or any em-
loyee of such manufacturer or dealer, shall cause
r permit the display or other use of any number
late or certificate of registration which may have
een furnished to such manufacturer or dealer
nder the distinctive number herein provided for,
xcept upon motor vehicles owned by such manu-
acturer or dealer within the meaning and intent
f this section, and no person shall display or
therwise use or have in his possession for the
urpose of using any registration certificate or dis-
lay number, except such manufacturer or dealer,
r his employees: Provided, that if the Secretary
f State, upon receiving from any manufacturer or
ealer an application for the issuance for the ensu-
ng registration year of a certificate of registration
nd general distinguishing number provided for in
his section, shall determine, upon due cause, that
uch manufacturer or dealer during the previous
egistration year has failed to comply with the re-
uirements of this section respecting the use of
umbers or filing of reports required by section
606 of the Consolidated Statutes, the Secretary of
State may refuse such application. Any person
iolating any provision of this section shall be
uilty of a misdemeanor.''

Sec. 12. That section 28, chapter 2, Public Laws
f 1921, be and the same is hereby amended by
triking out the words ''registration fee and first
ve plates'' in line 28 thereof, and inserting in
ieu thereof the words ''registration fee and first
late.''

Sec. 13. That chapter 64, Public Laws, Extra
ession of 1920, be and the same is hereby re-
ealed, and it shall be unlawful for any motor ve-

hicle mentioned therein to be operated on the pul
lic highways of this State from and after Jun
30, 1922, without having first been duly registere
in the office of the Secretary of State as require
by chapter 55 of the Consolidated Statutes an
acts amendatory thereof: Provided, that the Se
retary of State, upon proper proof being filed wit
him that any motor vehicle for which license
herein required is owned by the State or any d
partment thereof, or by any county, township, city
or town, or by any board of education, may co
lect not exceeding one dollar for the registratio
and numbering of such motor vehicle: Provide
further, that the term "owned" shall be co
strued to mean that such motor vehicle is the actua
property of the State or some department thereo
or of the county, township, city, or town, or of th
board of education, and no motor vehicle which i
the property of any officer or employee of any d
partment named herein shall be construed as be
ing "owned" by such department. Any perso
operating a motor vehicle in violation of any pro
vision of this section shall be guilty of a misde
meanor, and upon conviction shall be fined no
more than $50 or imprisoned not more than 3
days.

Sec. 14. That all laws and clauses of laws i
conflict with this act are hereby repealed.

Sec. 15. That this act shall be in force from an
after its ratification.

Ratified this the 19th day of December, A.D
1921.

N Act to Protect the Title of Motor Vehicles Within this State; To Provide for the Issuance of Certificates of Title and Evidence of Registration Thereof; To Regulate Purchase and Sale or Other Transfer of Ownership; To Facilitate the Recovery of Motor Vehicles Stolen or Otherwise Unlawfully Taken; To Provide for the Regulation and Licensing of Certain Dealers in Used and Second-hand Vehicles as Herein Defined; To Prescribe the Powers and Duties of the Secretary of State Hereunder; and To Provide Penalties for Violation of the Provisions Hereof.

Section 1. **Definitions.** The words and phrases ed in this act shall be construed as follows, unss the context may otherwise require:

(a) The term "motor vehicles" shall include all hicles propelled by power other than muscular wer, except motorcycles operated by policemen or emen when on official business and excepting all her motor vehicles, including trucks owned and opated by municipalities, or by the State, or any litical subdivision thereof, or by any State institution, or by the Federal Government. The term motor vehicle" as used in this act shall not include ucks, traction engines, road rollers, fire wagons, e engines, police patrol wagons and also such veles that run only upon rails or tracks: Provided, at such excepted motor vehicles shall be desigted by proper signs or legible markings showing e department of the municipality, State institun, or Federal Government in which said vehicles e employed.

(b) The term "State" as used in this act, expt where otherwise expressly provided, shall also clude the territories and the Federal Districts of e United States.

(c) The term "owner" shall also include any rson, firm, association or corporation renting a otor vehicle or having the exclusive use thereof,

under a lease or otherwise, for a period greate than thirty days. As between contract vendor an contract vendee, the term ''owner'' shall refe to the contract vendee unless the contrary sha clearly appear from the context of this act.

(d) The term ''manufacturer'' shall include person, firm, corporation or association engaged i the manufacture of new motor vehicles, as regular business.

(e) The term ''used vehicles'' covers a moto vehicle which has been sold, bargained, exchanged given away or title transferred from the person who first took out title to it from the manufacture or importer, and so used as to have become wha is commonly known as ''second hand'' within th ordinary meaning thereof.

(f) The term ''dealer'' shall embrace any per son, firm or corporation or association engaged i the purchase and sale of motor vehicles, or in th leasing of the same for a period of thirty or mor successive days.

Sec. 2. **Certificate of title for motor vehicles** After October first, nineteen hundred and twenty three, no certificate of the registration of any ve hicle or number plates therefor, whether origina issues or duplicates, shall be issued or furnishe by the Secretary of State, or any other officer witl such duty, unless the applicant therefor shall a the same time make application for an official cer tificate of title of such motor vehicle, or shall pre sent satisfactory evidence that such a certificat covering such motor vehicle has been previously issued to the applicant. Said application shall b upon a blank form to be furnished by the Secretary of State and shall contain a full description of th motor vehicle, which said description shall contair the manufacturer's number, the motor number, and any distinguishing marks, together with a state ment of the applicant's title and of any liens o encumbrances upon said motor vehicle and such other information as the Secretary of State may re quire.

The Secretary of State, if satisfied that the ap plicant is the owner of such motor vehicle, or other-

vise entitled to have the same registered in his ame, shall thereupon issue to the applicant an ppropriate certificate of title over his signature, uthenticated by a seal to be procured and used or such purpose. Said certificates shall be numered consecutively, beginning with number one, nd shall contain such description and other evience of identification of said motor vehicle as the ecretary of State may deem proper, together with statement of any liens or encumbrances which the pplication may show to be thereon. The charge for ach original certificate of title so issued shall be fty cents, which charge shall be in addition to he charge for the registration of such motor vehicle. Said certificate shall be good for the life f the car so long as the same is owned or held y the original holder of such certificate, and need ot be renewed annually, or at any other time except as herein provided. On or before September rst, one thousand nine hundred and twenty-three, t shall be the duty of the Secretary of State to ause to be printed copies of this act, and to make o every person to whom the Secretary of State, or ther officer having the duty of registration of otor vehicles, has issued a certificate of registraion for the year nineteen hundred twenty-three, ne of such printed copies, accompanied by a blank orm of application for a certificate of title.

Sec. 3. New certificate required after sale or ransfer. In the event of the sale or other transer in this State after October first, nineteen hunred twenty-three, of the ownership of a motor vehicle for which a certificate of title has been issued s aforesaid, the holder of such certificate shall ndorse on the back of same an assignment thereof, ith warranty of title, in form printed thereon, ith a statement of all liens or encumbrances on aid motor vehicle, and deliver the same to the purhaser or transferee at the time of the delivery to im of such motor vehicle. The purchaser or transeree shall within ten days thereafter present such ertificate, assigned as aforesaid, to the Secretary f State, accompanied by a fee of fifty cents, whereon a new certificate of title shall be issued to he assignee. Said certificate, when so assigned

and returned to the Secretary of State, together with any subsequent assignments or reissues thereof, shall be retained by the Secretary of State and appropriately filed and indexed, so that at all times it will be practicable to trace title to the motor vehicle designated therein.

Sec. 4. **Certificate of title required to operate motor vehicles.** The owner or any person, without consent of the owner being first obtained, who shall operate a motor vehicle in this State under a registration number of this State after October first, one thousand nine hundred and twenty-three, without first having made application for a certificate of title as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars; and from and after October first, one thousand nine hundred and twenty-three, any person who sells a motor vehicle without complying with the requirements of section three hereof shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 5. **Certificates of registration for motor vehicles.** The Secretary of State shall furnish with each number plate issued a receipt of registration, which shall contain upon the face thereof the following data: The name of the registered owner of the motorcycle or motor vehicle, the owner's postoffice address, the make of the vehicle, the registered horsepower, the registration or license number and date of issue of the receipt of registration. Such receipt of registration shall contain a blank space for the signature of the registered owner and shall be signed with ink by such owner immediately upon receipt. Said receipt of registration shall, at all times, while the motor vehicle for which it was issued is being operated within this State, be in the possession of the operator thereof, and shall be subject to inspection by any peace officer at any time.

Sec. 6. **Old certificates to be returned to Secretary of State.** Upon transfer of ownership of any motor vehicle or motorcycle, registered under this

act, the person in whose name such motor vehicle or motorcycle is registered shall forthwith deliver, or forward by registered mail, the receipt of registration to the Secretary of State, with a statement of the name and postoffice address of the transferee, and the date of transfer. For failure to comply with this provision within ten days after the date of transfer, the transferee, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

Sec. 7. **Transfer of ownership file to be kept by Secretary of State. Transferee of title required to make application for new certificate.** Upon receipt of such old certificate it shall be the duty of the Secretary of State to file such receipt of registration in a file to be known as "The transfer of ownership file." Unless the transferee, as shown by the indorsement on the back of the receipt of registration, applies by mail, or otherwise, within ten days after the date of transfer of the motor vehicle for certificate of registration and title, the Secretary of State shall notify said transferee at once to do so. Unless said transferee then makes application within five days after receipt of such notice from the Secretary of State for such certificate, he shall be considered to be driving a motor vehicle without registration, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars.

Sec. 8. **Secretary of State may refuse to issue certificate, or revoke same if issued.** If the Secretary of State shall determine at any time that an applicant for a certificate of title of a motor vehicle is not entitled thereto, he may refuse to issue such certificate or to register such vehicle, and may for a like reason, and after notice and hearing, revoke registration already acquired on any outstanding certificate of title.

Sec. 9. **Penalty for false statement in application, and possession of stolen motor vehicle, etc.** Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for or in any assignment thereof, or who, with intent

to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars or by imprisonment in any penal institution within this State for not less than one year nor more than five years, or both, in the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of motor vehicles, but shall be deemed supplementary thereto.

Sec. 10. **Certificates for dealers and manufacturers.** In the case of dealers in motor vehicles, motorcycles, including manufacturers who sell to others than dealers, all of whom are intended to be covered by this and all other provisions of this section, a separate certificate of title, either of such dealer's immediate vendor or of the dealer himself, shall be required in the case of each motor vehicle in his possession, and the Secretary of State shall determine the form in which application for such certificates of title and assignments thereof shall be made: Provided, however, that no such certificate shall be required in the case of new motor vehicles, sold by manufacturers to dealers as the term "dealers" is defined in section one of this act.

Sec. 11. **Duplicate certificates where original is lost.** In the case of lost certificates of title or registration, the loss of which is accounted for to the satisfaction of the Secretary of State, duplicates may be issued, the charge therefor to be fifty cents each.

Sec. 12. **Alteration or forgery of certificate of title, and penalty thereof.** Any person who shall alter or forge, or cause to be altered or forged, any

certificate of title issued by the Secretary of State pursuant to the provisions of this section, or any assignment thereof, or who shall hold or use any such certificate or assignment knowing the same to have been altered or forged, shall be deemed guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not less than one hundred dollars nor more than five thousand dollars, or to imprisonment in any penal institution in this State for a period of not less than one year nor more than five years, or both, in the discretion of the court.

Sec. 13. **Report of stolen and recovered motor vehicles.** It shall be the duty of the sheriff of every county of the State and of the chief of police or commissioner of police of every city having a population of more than ten thousand to make immediate report to the Secretary of State of all motor vehicles reported to him as stolen or recovered, upon forms provided by the Secretary of State. Upon receipt of such information the Secretary of State shall file the same in an index to be known as the "Stolen and recovered motor vehicle index." It shall also be the duty of the Secretary of State to file reports of stolen and recovered motor vehicles reported to him from other states. The Secretary of State shall publish once a month a list of all motor vehicles stolen or recovered during the previous month, and forward a copy of the same to every sheriff, and all police departments in cities with over ten thousand inhabitants. Such list shall also be forwarded to the Secretary of State, or other proper official, in each state of the United States. Before issuing a certificate of title, as heretofore provided, the Secretary of State shall check the motor and serial number on the motor vehicle to be registered against the "stolen and recovered motor vehicle index."

Sec. 14. **Licenses required of second-hand dealers.** That after the first day of January, nineteen hundred twenty-four, it shall be unlawful for any person to carry on or conduct in this State the business of buying, selling or dealing in used vehicles, unless and until he shall have received a

license from the Secretary of State authorizing the carrying on or conducting of such business: Provided, however, that any manufacturer or importer of vehicles or his subsidiaries or selling agents may buy or take in trade and sell any used vehicle of his own make without such license. Such license shall be furnished annually by the Secretary of State and shall run from the first day of January, nineteen hundred and twenty-four, and annually thereafter for each year, beginning on the first day of January. The application for said license shall be in such form as may be prescribed by the said Secretary of State and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or copartnership with the names and places of residence of all the members thereof, if such applicant be a firm or copartnership, the name and residence of the principal officers, if the applicant be a body corporate or other artificial body, the name of the state under whose laws the corporation is organized, the location of the place or places at which such business is to be carried on and conducted, and said application shall contain such other relevant information as may be required by the Secretary of State. It shall be accompanied by a sworn statement of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or persons applying for such license. Upon making such application the person applying therefor shall pay to the Secretary of State a fee of five dollars ($5.00) in addition to any other fees now required by law. A license certificate shall be issued by the Secretary of State in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section, and such licenses, when so issued, shall entitle the licensee to carry on and conduct the business of buying and selling and dealing in used vehicles for a period of one year from the first day of January of the current year.

The Secretary of State shall have the power to make suitable rules and regulations for the issuance of such licenses to expire upon the first day of January of the succeeding year, when the application therefor shall be made during the current year, and upon payment of a license fee of three dollars ($3.00): Provided, application is made after July first of any year. Any person conducting the business of buying, selling or dealing in used vehicles and having received a license therefor, shall, before removing any one or more of his places of business, or shall, before opening any additional places of business, apply to the Secretary of State for and obtain a supplemental license, for which no fee shall be charged. Every such licensee shall keep a book or record in such form as may be prescribed or approved by the Secretary of State, in which he shall keep a record of the purchase, sale or exchange, or receipt for the purpose of sale, of any second-hand vehicle, a description of such vehicles, together with the name and address of the seller, or the purchaser, and of the alleged owner or other person from whom such vehicle was purchased or received, to whom it was sold or delivered, as the case may be. Such description shall also include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon, and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact. He shall also have in his possession a duly assigned certificate of title from the owner of said motor vehicle, in accordance with the provisions of another section of this act, from the time when the motor vehicle is delivered to him until it has been disposed of by him. Any person guilty of violating any of the provisions of this section shall be deemed guilty of a felony and shall be punished by a fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or by imprisonment in any penal institution in this State for not less than six months nor more than three years, or both, in the discretion of the court.

Sec. 15. **Appointment of deputies, their duties, etc.** The Secretary of State, with the approval in

writing of the Governor, is hereby given power to appoint all necessary deputies, in addition to the present officers of the law, to carry out the provisions of this act, and to incur any additional expense in the enforcement of this act as may be first approved by the Governor in writing, and the Secretary of State, together with such deputies, employees and the existing officers of the law, are hereby given police power and authority throughout the State, to arrest without writ, rule, order or process, any person in the act of violating or attempting to violate in his presence any of the provisions of this act, and are hereby made peace officers of this State for that purpose. All deputies and inspectors heretofore or hereafter appointed and commissioned under chapter fifty-five, Consolidated Statutes, and acts supplemental thereto or amendatory thereof, are hereby expressly granted the police powers given in this section. With the permission and consent of the sheriff of any county, or the chief of police of any city, the Secretary of State is hereby authorized to employ temporarily and deputize any deputy sheriff or police officer to investigate any auto theft matters or other violations of this act, and any such officer so employed or deputized shall have all the authority of peace officers as heretofore provided. Any officer, or deputy of the Secretary of State, shall have the authority and is hereby required to use reasonable diligence in ascertaining whether the owners and operators of motor vehicles are complying with the provisions of this act. All expenditures under the provisions of this section shall be paid from the fund hereafter designated as the "Auto-theft fund."

Sec. 16. **Auto-theft fund, how used.** All moneys received by the Secretary of State under the provisions of this act shall be paid into the State treasury on or before the tenth of each succeeding month, and shall be set aside and known as the "Auto-theft fund," and shall be held and retained in the State treasury as a separate fund to be used to meet the necessary expenses incurred by the Secretary of State in the performance of duties re-

quired by this act and the enforcement of the motor license and traffic laws of the State.

Sec. 17. **False statements shall constitute perjury.** Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of perjury, and, upon conviction, shall be punishable by a fine and imprisonment as other persons committing perjury are punishable.

Sec. 18. **Any part declared unconstitutional shall not render remainder of act invalid.** If any provision of this act shall be held by any court of competent jurisdiction to be unconstitutional, such provision so declared to be unconstitutional shall not affect the validity of the remainder of the act, but shall only affect the clause or provision so held to be unconstitutional, and the remainder of the act shall be valid.

Sec. 19. **Date effective.** That this act shall take effect and be enforced on the first day of October, nineteen hundred and twenty-three.

Pamphlet
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